

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
MARCH 11, 2020**

**CALL TO ORDER
6:00 PM**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at South Campus Building, 40 11th Street W, Ste. 200, Kalispell, Montana. Board members present were Dean Sirucek, Sandra Nogal, Jeff Larsen, Elliot Adams, Jim Thompson, and Greg Stevens. Kevin Lake, Ron Schlegel, and Mike Horn had an excused absence. Donna Valade, Rachel Ezell, Erin Appert, and Mark Mussman represented the Flathead County Planning & Zoning Office.

There were 50 members of the public in attendance.

**APPROVAL OF
MEETING
MINUTES
6:00 PM**

Sirucek made a motion, seconded by Nogal, to approve the January 8, 2020 meeting minutes.

Motion passed on a 4-0 vote. Greg Stevens abstained.

Sirucek made a motion, seconded by Nogal, to approve the February 12, 2020 meeting minutes.

Motion passed unanimously on a roll call vote.

**PUBLIC
COMMENT
(Public matters that
are within the
jurisdiction of the
Board 2-3-103
M.C.A)
6:02 PM**

Jim Watson, 191 Foy's Canyon Rd, spoke about the Trails Plan. He referenced trails where the county was contractually obligated for maintenance and needed to be added to the map. He said the changes to the map were yet to be provided to the public for comment at this time. He referenced a section on proposed trails in Flathead County. He said the map should be eliminated entirely. There was a maintenance addendum on the amendment map and it was his understanding that this map was appended at the request of Planning and Zoning when the Weeds and Park Department wanted the addendum to replace the entire 2010 Trails Plan. Since the December 19, 2020 document was being recommended as a mere addendum, he wondered if it was now superfluous. He said it was in conflict with the current growth policy map. In addition, this map was inaccurate and inappropriately depicted trails across private property; specifically Stoltz and Whitefish Mountain Resort. He felt the entire exercise in trail planning was blatantly abused and legally required public process. The public had a compelling need and a legal right to be informed and to have a say in this matter. The finding of facts stated that a single planning meeting and the 36 comments they received were adequate public comment. It failed to state that the majority of those comments were against this course of action. The past plans had logged over 800 public comments, all of which were disregarded. He strongly encouraged the commissioners to hold a 30 day comment period and let the taxpayers speak. It was important to hear what they had to say.

Erica Wirtala, representing NMAR at 110 Cooperative Way, recapped how she felt a trail plan was an asset to our community. A vibrant trail network brought increase to property values and attracts people to come and live in our area. They were concerned about a map within the growth policy being replaced with a map that did not represent future trails. She was concerned that if the map in the existing growth policy was replaced with the addendum map, with no proposed new trails, she was concerned that it was going to open the door that would need more public review. She was concerned it would need further review and be in conflict with existing subdivision regulations and requirements. She would like the 30 day comment period. If the maps were to be switched out, then a different public process would need to be reviewed.

**DISCLOSURE OF
ANY CONFLICT
OF INTERESTS**
6:07 PM

None

**HUNTER'S
LAIR, LLC
(FCMU-20-01)**
6:07 PM

A request from Hunter's Lair, LLC with technical assistance from 406 Engineering, Inc. for a Major Land Use Review for 'Expansion greater than 25% of existing commercial structures and/or activity areas when total use area involves more than 1 acre' on property approximately 35.85 acres in size within the Middle Canyon Region of the C.A.L.U.R.S (Canyon Area) Zoning District. Access to the property exists via Highway 2 and emergency access is proposed via Belton Stage. The property is located at 12205 Highway 2 East, West Glacier, MT.

STAFF REPORT
6:08 PM

Erin Appert reviewed staff report FCMU-20-01 for the board.

**BOARD
QUESTIONS**
6:11 PM

Larsen asked if it met the performance standards of the CALURS and staff replied it did appear to meet them all.

**APPLICANT
PRESENTATION**
6:12 PM

Nathan Lucke with 406 Engineering, 138 E Center St. Ste A, represented the applicants. He said it was a great project and super fun to work with. Anyone who knew of Glacier Park would recognize how needed a project like this was. MCLUAC had recommended approval as well. They were in support of the staff report.

**BOARD
QUESTIONS**
6:13 PM

Larsen asked why the site plans did not match the other. Lucke explained they had started the project last August and, when they began to see that the project would find favor, they began making more of the design. Sheet 1 was more of the initial concepts and sheet 2 represented the more current design work. He presented to the board the most current drawing of the development.

Larsen asked about comments/recommendations received from the neighbors and wondered if they would be ok with putting a gate on the emergency

access. Lucke said they were not initially ready to commit but at this point in time, they were planning on putting a gate that will open for the fire department. Right now the intent was to put it by Belton Chalet and they would give it appropriate signage.

Larsen asked about illuminating the RV Storage. Lucke said that was the intent. He did understand that there was a concern that it would outgrow the area. In his mind, that would require additional review, but was not the intent for now.

Terry Kramer, 3150 N. Ashley Lake Road, was the design-builder and said the intent was that if there was a guest who needed to drop a trailer off in order to enter the park, then there would be the possibility to do so. His biggest concern was that it was sort of visible. He was meeting with the owner next week and will decide whether or not to move forward with that. It may go away which was not a big deal to them.

There was also a concern about dark sky lighting. Lucke said that there are a lot of things that meet the requirement of dark sky but don't actually meet the intent. He said the desire was there. Kramer said that they would meet dark sky lighting. They may change the sconces. He spent time with professional night photographer John Ashley, with John Ashley Fine Arts, who was also the head of the local chapter of Dark Sky International. He was going to work with their electrical engineer to give ideas on how to improve it. They were not lighting the road, just the individual units and parking lot for safety.

They were putting in an emergency helipad, which would include a lit sock. They were looking to see if they could have a remote or a motion detector to meet dark-sky requirements.

Adams asked if they had looked at using radio controlled lighting. Kramer said it had just come up and he was working on it. He believed it would be a premiere development in this valley which would meet dark sky requirements.

**AGENCY
COMMENTS
6:23 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
6:23 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FCMU-20-01)
6:24 PM**

Stevens made a motion, seconded by Sirucek, to adopt staff report FCMU-20-01 as findings of fact.

**BOARD
DISCUSSION
6:24 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FCMU-20-01)
6:24 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FCMU-20-01)
6:25 PM**

Stevens made a motion, seconded by Sirucek, to recommend approval of FCMU-20-01 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:25 PM**

Sirucek asked if a condition for the lighting and/or the gate was needed. The board discussed it and concluded it sounded like the developers were working in good faith to address the neighbor issues and did not feel it was needed at this time.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FCMU-20-01)
6:26 PM**

The motion passed unanimously on a roll call vote

**JJN
HOLDINGS, LLC
(FZC-20-02)
6:26 PM**

A zone change request from JJN Holdings, LLC for property in the Bigfork Zoning District. The proposal would change the zoning on property located at 257 MT Highway 83, Bigfork, MT from *SAG-5 (Suburban Agricultural)* to *I-1 (Light Industrial)*. The total acreage involved in the request is 5.884 acres.

**STAFF REPORT
6:27 PM**

Rachel Ezell reviewed staff report FZC-20-02 for the board.

**BOARD
QUESTIONS
6:30 PM**

Larsen asked if BLUAC had voted to deny it and had changed the finding of facts to show it was not compatible with their neighborhood plan. Larsen asked if staff felt it was compatible and she explained why she had felt that it was.

**APPLICANT
PRESENTATION
6:32 PM**

Ryan Nelson, 1058 Cygnet Trail, explained he had purchased the property from an acquaintance who had implanted the idea of a zone change in his mind. He described similar properties in the subject area. He was an electrician and had a family ran business. He did not have any employees; when sub-contractors were needed, they would be subbed out. The problem with their current set up was that it was located off of Swan Hill which was icy the majority of the winter. This stopped him from being able to do his work

and therefore looked for another place that would work for his business idea. He felt it would be a good fit for the location. He explained they planned on metal siding which matched next-door buildings. He explained the design of the project and its primary use. It was the best fit that he could find for his business where he did not have to pay a lot for lease or rent. He said BLUAC wanted it to be B-3 so that they could build low-income housing but he wasn't interested in getting into that.

**BOARD
QUESTIONS
6:38 PM**

None

**AGENCY
COMMENTS
6:38 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
6:38 PM**

Rayna Weiss, 265 MT HWY 83, spoke in opposition to the application. She was concerned about noise, dust, and the future of the property. She encouraged the board to adopt the findings of BLUAC.

**APPLICANT
REBUTTAL
6:39 PM**

None

**STAFF
REBUTTAL
6:39 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FZC-20-02)
6:39 PM**

Stevens made a motion, seconded by Sirucek, to adopt staff report FZC-20-02 as findings of fact.

**BOARD
DISCUSSION
6:40 PM**

Adams asked the board if they wanted to look at the Findings of Facts that BLUAC had recommended. Sirucek had a hard time with BLUAC recommendations because, as he could tell, the buildings would be similar to those nearby.

Adams asked Staff their interpretation in which they replied that it seemed to meet the text and the goals of where light industrial should be placed. According to the map, it was agricultural and the property to the immediate east was light industrial. In her opinion, looking at the overall picture, it complied with the goals of the Bigfork Neighborhood Plan.

Larsen said they talked a lot about the plans. People liked to take the neighborhood map and treat it like a zoning map. [The neighborhood maps] were general and they had to look at the text as well.

**ROLL CALL TO
ADOPT F.O.F.
(FZC-20-02)
6:43 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FZC-20-02)
6:43 PM**

Stevens made a motion, seconded by Nogal, to recommend approval of FZC-20-02 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:43 PM**

Stevens said it fit. The one thing that they had not discussed was that the neighborhood plans were an addendum to the Flathead County Growth Policy. They had not discussed property owner rights. He felt this fit and had good access. It agreed with him because it facilitated the growth of a small business and also provided some affordable housing, according to the applicant who said that he would cut a deal to whoever rented the house in exchange for caretaker duties. He felt it would increase the welfare of the applicant. If a family benefited from increased welfare, it increased the welfare of the county because he was a part of the county. He felt that it was a good fit.

Nogal addressed that BLUAC had concerns with what would happen to the property down the road if there was a change of ownership but she looked at it as the opportunity for a small business owner and she applauded and supported the application.

Larsen agreed with staff on the analysis regarding whether or not it complied with the plan; by analyzing the map and the text. He also agreed with Stevens that it fit into the area. He felt that the interpretation of the staff was correct.

Stevens discussed the history of how the zoning maps were made. He said they were not always correct.

Sirucek said that this one tore his heart. He agreed that it fit with the present day. His personal attachment was that it used to be a nice farm that a personal friend owned for many years and he hated to see it all cut up.

Adams said he agreed that it was a good fit. There were construction offices nearby. He also mentioned that the light industrial name tag sometimes bared with it a misconception and stigma. He felt that when people heard light industrial they assumed there would be factories appearing. It scared people. He did not know if light industrial was the best name for it but he thought it was a good fit.

ROLL CALL TO

The motion passed unanimously on a roll call vote

**RECOMMEND
APPROVAL
(FZC-20-02)
6:51 PM**

**RRN
HOLDINGS, LLC /
NESTEN
(FZC-20-01)
6:52 PM**

A zone change request from RRN Holdings, LLC with technical assistance from Sands Surveying, Inc. for property in the Evergreen Zoning District. The proposal would change the zoning on property located approximately an eighth of a mile north of West Evergreen Drive, along Kings Way in Kalispell, MT from *R-1 (Suburban Residential)* to *R-3(One-Family Residential)*. The total acreage involved in the request is approximately 6.47 acres.

**STAFF REPORT
6:52 PM**

Erin Appert reviewed staff report FZC-20-01 for the board.

**BOARD
QUESTIONS
6:54 PM**

None

**APPLICANT
PRESENTATION
6:54 PM**

Eric Mulcahy with Sands Surveying, 2 Village Loop, represented the applicants. He brought up that there had been a previous zone change application for a multifamily residential in which they decided to pull it based on negative public testimony received. They have now come back with a subdivision proposal and zone change with an R-3 density. They felt this density would fit the neighborhood. They felt that it matched character as far as the land use character of the neighboring property which was within the City of Kalispell. They felt this density would fit the neighborhood. They had public sewer and water. They felt it would fit a need and be a good project for the area.

Rob Nesten, 10279 W. Calico St., was the owner and explained that he had lived on the property since their arrival in 1968. The property had been left in an inherited trust to the children and had been trying to figure out what to do with the property. They proposed a zone change last year which had been rejected. There was discussion that, if they had come forward with a different type of zone change, it would be found more favorable. He said it was not something that he took lightly because this had been in his family for many years. He wanted to do what was best for his family and the community. He recognized it was nearly impossible for people to find affordable housing. He said once everyone took a step back and took a rational look at what they were presenting, perhaps people would look at it more fairly.

**BOARD
QUESTIONS
6:59 PM**

Larsen addressed findings #1, #8, and #10 and asked Mulcahy to comment on the concerns regarding them. Mulcahy said finding #1 had to do with the original City-County Growth Policy map, which is vintage. He had worked for Kalispell Regional Developmental office in 1992 and that same year the county had gotten the grant to create the sewer system for the Evergreen area

at that time. Over the last 3 decades, Evergreen has really transitioned from a bedroom community to its own commerce area. It was definitely here to stay. He felt the growth policy was out of date and did not reflect the current land-use practices, trends, or the services that are provided in the Evergreen area. He did not think that staff did anything wrong in the finding, he just felt there was a lot of history to that finding and growth policy.

He said regarding non-motorized vehicles on W. Evergreen Dr., and that being a two-lane road, that was an impact. He didn't know if anybody really had the ability to address it, particularly a small division like they were proposing. They were proposing sidewalks within the subdivision. He said that there was a project that had been approved on W. Evergreen Dr. last year and they were moving forward. In that project, there will be pedestrian access from that section to the school. He said things were changing and hopefully the paths would come together. He anticipated that if paths do come together, this area would be high priority roads with residential development and schools making those connections.

**AGENCY
COMMENTS**
7:05 PM

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT**
7:05 PM

Jody Constenius, 220 Kings Way, spoke in opposition to the application. He said when it was first proposed it was high density and they were not thinking about the community. He said the infrastructure should be in place before being approved. He was concerned about density increase and the effects that it would have on schools and the fire department. He was also concerned about the increased traffic causing more safety concerns.

Dan Shreeve, 109 W. Evergreen Dr., spoke in opposition to the application. He had some of the same concerns shared prior. He was concerned about not having the infrastructure in place. He was concerned for the safety of children and pedestrians on the road. He had people walking on his property frequently because they did not have a place to walk along the road. He was not opposed to the subdivision. He wished there would be fencing and some things in place to protect his property because there would be 7 lots against his property.

Jesse Davenport, 119 W. Evergreen Drive, spoke in opposition to the application. He appreciated that they had changed it from the original high density. He would prefer it to be an R-2 Zone. He explained that Kings Way was a dead end. He was concerned about the increase in traffic. The road was narrow and pedestrians did not have room to walk, ride, etc. He said an R-2 would allow something less dense with less amount of traffic. He said Village Greens, although in the city limits, had [street] lights.

Stevens asked where the school bus stopped. Davenport pointed out.

Hope Horstman, 229 Kings Way, was one of the applicants. She grew up in Evergreen and still lived there. She discussed school drop-offs and pedestrian traffic. She had no problem living next to the subdivision. She said Evergreen was notorious for being transient with the mobile home parks and people coming and going but this way people would stay put longer and the levis would pass.

Darlene Haslage, 356 Kings Way, spoke in the opposition to the application. She was concerned over higher density. She was concerned about traffic increases and the negative impacts that would occur. She felt 16 houses on that property was way too much.

Diane Lewis, 425 Kings Way, spoke in opposition to the application. She was thankful that they were not talking about putting in apartments anymore. She did not want to see R-3 going in. She had questions about size and if they were going to be mobile homes. She did not want a mobile home park. She would approve if it was something tastefully done but did not want to see 16 homes be in there. She felt a compromise would be R-2 zoning. She was also worried about what the future development of the property to the south would be.

**APPLICANT
REBUTTAL
7:27 PM**

None

**STAFF
REBUTTAL
7:27 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FZC-20-01)
7:27 PM**

Sirucek made a motion, seconded by Nogal, to adopt staff report FZC-20-01 as findings of fact.

**BOARD
DISCUSSION
7:28 PM**

Sirucek was surprised there was not a comment from the City of Kalispell.

**ROLL CALL TO
ADOPT F.O.F.
(FZC-20-01)
7:29 PM**

Motion was passed unanimously on a roll call vote.

MAIN MOTION

Nogal made a motion, seconded by Sirucek, to recommend approval of

**TO
RECOMMEND
APPROVAL
(FZC-20-01)
7:29 PM**

FZC-20-01 to the Board of County Commissioners.

**BOARD
DISCUSSION
7:30 PM**

Sirucek felt that this was much improved over the last [proposal]. Nogal agreed.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-20-01)
7:31 PM**

The motion passed on 5-1 a roll call vote. Stevens dissented.

**NESTEN ACRES
(FPP-20-01)
7:31 PM**

A request from RRN Holdings, LLC with technical assistance from Sands Surveying, Inc. and Carver Engineering for preliminary plat approval of Nesten Acres Subdivision, a proposal to create sixteen lots intended for residential use on approximately 6.47 acres to be served by Evergreen Water and Sewer District. Primary access exists via Kings Way. The property is located approximately an eighth of a mile north of West Evergreen Drive.

**STAFF REPORT
7:32 PM**

Rachel Ezell reviewed staff report FPP-20-01 for the board.

**BOARD
QUESTIONS
7:35 PM**

Stevens asked who had to plant the 10' landscape buffer. Staff replied the infrastructure of the subdivision. Stevens thought it might be the lumber company's responsibility. Mulcahy proposed that they would plant the strip. Stevens said that if they did not, [the lumber company] would have to in accordance with the performance standards in the regulations. Mulcahy said they didn't know if they could make them.

**APPLICANT
PRESENTATION
7:36 PM**

Eric Mulcahy with Sands Surveying, 2 Village Loop, represented the applicant. He concurred with the staff's finding of facts and proposed conditions. He explained the design infrastructure of the subdivision.

**BOARD
QUESTIONS
7:39 PM**

Sirucek asked about the right of way on Kings Way. They discussed that half of the right of way was on the project property.

He also questioned condition #17 in regards to the planting screen. It had a width but wondered about height and what they had in mind. Mulcahy said they were open to suggestions but were thinking evergreens. Sirucek said that was what he was thinking but they might want to amend it to have a minimum height requirement. Mulcahy said the buffer went both ways. If it was already at a height when planting, that would then grow, that could be something that they could work with.

**AGENCY
COMMENTS
7:42 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
7:42 PM**

Jody Constenuis, 220 Kings Way, was concerned about big trucks coming through [during the time of development]. He emphasized the need for infrastructure to be in place prior to development. He was concerned about the negative impact that it may have on his property. He was also concerned about his water rights being taken away. He did not have a problem with the subdivision but he wanted the infrastructure set up first.

Dan Shreeve, 109 W. Evergreen Dr., spoke in opposition to the application. He had concerns that were similar to the Seaman's development. He asked if there were any requirements. Nogal explained that there were CCandR's attached which stated they would be stick-built homes with a minimum of 1500 sq. ft. Shreeve asked about fencing requirements. Larsen said they could not regulate that because it was not in their subdivision regulations.

Darlene Haslage, 356 Kings Way, asked if there were going to be carports or garages within the subdivision. Nogal explained that they had CCandRs that required a two-car garage.

Jesse Davenport, 119 W. Evergreen Dr., spoke in opposition to the application. He had the same concerns which he had brought forward with the zone change. He appreciated whatever could be done to put the appropriate conditions on traffic signs, dealings with the infrastructure sidewalk, or even lighting. He questioned the measurements having a minimum 70' width.

Larsen asked if there was a minimum lot width and staff replied 70'. They discussed this and the plat map at length.

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-20-01)
7:54 PM**

Nogal made a motion, seconded by Sirucek, to adopt staff report FPP-20-01 as findings of fact.

**BOARD
DISCUSSION
7:55 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FPP-20-01)
7:55 PM**

Motion was passed unanimously on a roll call vote.

MAIN MOTION

Nogal made a motion, seconded by Adams, to recommend approval of

**TO
RECOMMEND
APPROVAL
(FPP-20-01)
7:56 PM**

FPP-20-01 to the Board of County Commissioners.

**BOARD
DISCUSSION
7:55 PM**

Sirucek felt condition #17 needed to have a minimum height requirement. As the condition stood, they could plant 18" plants and it would meet the condition. Stevens said there was a reason why he had asked who was going to plant this and referred to the performance standards as what they needed to be in accordance with a planting screen easement. He was unsure what they were and was hesitant about making a condition without knowing.

Staff read from the zoning regulations and discussed this with the board at length.

Stevens addressed that he had voted no for the zone change attached to this subdivision because he found W. Evergreen Drive to be a problem. He listened to the testimony. He knew of several county roads that did not have enough room for pedestrian traffic. He addressed the request to have the infrastructure in place [prior to development] and said that infrastructure was already there; public water and sewer. He felt it did not make sense, from a planning perspective, to have .5-1 acre lots when you could get water and sewer to them. He felt that the density made sense in this case. The problem became the road and he was aware of the issue. He felt the school would appreciate the additional [proposed 9] kids because it would increase their funding from the state. He acknowledged that it was not an ideal situation, and was not happy the county road did not have sidewalks, but felt it was a good opportunity to have affordable housing. He was prepared to vote against it but after consideration, he was in support of it.

Larsen listened to the testimony and addressed a few of the concerns. He addressed the concern over the impact it would have on the schools. He said that according to Montana State Law, they could not deny a subdivision based on school impact. He also mentioned that infrastructure tended to follow development, not the other way around. Nobody was going to build sidewalks, curbs, gutters, and storm drains ahead of development so what ends up happening is when a subdivision comes in, they prioritize a paths system. He addressed the septic tank system concern and said that a lot of Evergreen was on a fluent main because they have shallow groundwater and he explained the process further. He addressed the proposed density and said that most of the Evergreen area was zoned in a time where there was no public and sewer available but once the sewer system went in, the 2-acre lot sizes did not make sense anymore. He discussed how the Kalispell City-County Master Plan was out of date because it did not address that this area had sewer. It was not economically feasible to create 1-2 acre tracts and try to connect them to city water and sewer. Affordable lots were something emphasized in the Growth

Policy. He agreed with Stevens that it was not always perfect, they did not always get what they wanted. The one concern that he did have was the need for a path easement. Staff said that it did not qualify for that requirement and read the regulations for clarification. They discussed at length what could be conditioned. He had heard from the neighbors that it would be nice to have some type of a path.

Sirucek had the same thought. He said if you went and looked at the Trails Plan, there was a large number of those paths that were community-based organizations that had gone in, received a grant, and put a bike path in and continued to be maintained by that group. He encouraged the people present, who wanted something to happen along the right-of-way, to try to develop a bike path from one end to the other.

Stevens said it did not do a lot of good to have a 10' easement just on [this] subdivision. Sirucek said that they had to go in and develop a right-of-way, where everyone agrees, and get together to get something put in. Larsen said they didn't have to have the 10' if they can build it in the county right-of-way. They continued to discuss the options that people could act upon to make it happen. The actual building of the path was not a part of the subdivision regulations. Sirucek encouraged the people to take steps [that were out of the board's hands] to make it happen.

Larsen asked if staff had worded an amended condition #17 as they had discussed previously. After reading the proposal they discussed the complication of implementing that before final plat. Larsen said that they have always had problems in designing fences or landscaping. Sirucek said that if the owners were present and understood their concern, he would be ok with that.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-20-01)
8:22 PM**

The motion passed on a 5-1 roll call vote. Thompson dissented.

**MOUNTAIN TOP
SUBDIVISION
(FPP-20-02)
8:31 PM**

A request by Brent & Lori Keller on behalf of Sarah & Casey Jump with technical assistance from Eric Mulcahy of Sands Surveying Inc. and D. Saisbury Consulting for preliminary plat approval of Mountain Top Subdivision, a proposal to create two (2) lots intended for residential use on approximately 4.35 acres. The applicant is proposing individual wells and septic systems. The property is located at 150 Mountain Top Lane.

**STAFF REPORT
8:32 PM**

Donna Valade reviewed staff report FPP-20-02 for the board.

BOARD

None

QUESTIONS

8:37 PM

APPLICANT PRESENTATION

8:37 PM

Eric Mulcahy with Sands Surveying, 2 Village Loop, represented the applicants. He explained the intent and what they were proposing. He said there was nothing unusual about this subdivision. He pointed out an old gravel pit on the property that they were working on regrading and filling in the small hole. The portion of the property was forested. He explained the road design. He said there had been a COSA issued for 1 house and septic so they were really looking at 1 additional house and septic system. They were requesting a variance to the road standard based on the traffic that would be generated and current use. The pavement standard would work out to approx. 200'. He discussed recycled asphalt material for the road. It seemed to hold up well with low volume traffic. He requested that they approved the variance.

BOARD QUESTIONS

8:41 PM

None

AGENCY COMMENTS

8:41 PM

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

PUBLIC COMMENT

8:41 PM

None

MAIN MOTION TO ADOPT F.O.F. (FPP-20-02)

8:42 PM

Nogal made a motion, seconded by Sirucek, to adopt staff report FPP-20-02 as findings of fact.

BOARD DISCUSSION

8:42 PM

None

ROLL CALL TO ADOPT F.O.F. (FPP-20-02)

8:42 PM

Motion was passed unanimously on a roll call vote.

MAIN MOTION

Sirucek made a motion, seconded by Adams, to recommend approval of

**TO
RECOMMEND
APPROVAL
(FPP-20-02)
8:43 PM**

FPP-20-02 to the Board of County Commissioners.

**BOARD
DISCUSSION
8:43 PM**

Board discussed the process of accepting or denying the request for a variance.

Stevens said he was in favor of it. Sirucek said that he did not have any problems with it. Nogal said that they had just put it down close to where she lived, that had high traffic, and it was working well. Larsen said they had to discuss the criteria for a variance and if it met it.

They discussed the criteria discussed in the staff report. They did not find any conflicts with the criteria being met.

**MOTION TO
APPROVE ROAD
VARIANCE
8:46 PM**

Nogal motioned, seconded by Sirucek, to recommend approval of the requested variance to the off-site road improvement requirement with the substitution of crushed asphalt.

**BOARD
DISCUSSION
8:46 PM**

None

**ROLL CALL TO
APPROVE ROAD
VARIANCE
8:46 PM**

The motion passed unanimously on a roll call vote

**BOARD
DISCUSSION
8:47 PM**

Larsen said that the recycled asphalt worked really well. He had seen it used before and agreed that it would be fine for the low volume. Sirucek pointed out that it may be an even better option because the area the property gets frosty.

**MOTION TO ADD
CONDITION #14
8:48 PM**

Sirucek motioned, seconded by Nogal, to add Condition #14 as recommended by staff to read:

14. Unless a variance is granted, the applicants shall pave 201.5 feet of Mountain Top Lane which shall be certified by a licensed engineer and constructed and paved in accordance with the Flathead County Minimum Standards for Design and Construction, as applicable. [Sections 4.7.16, 4.7.17 FCSR]

BOARD

None

DISCUSSION

8:48 PM

ROLL CALL TO ADD CONDITION

#14

8:48 PM

The motion passed unanimously on a roll call vote

ROLL CALL TO RECOMMEND APPROVAL (FPP-20-02)

8:49 PM

The motion passed unanimously on a roll call vote

FLATHEAD COUNTY TEXT AMMENDMENT (FZTA-20-01)

8:49 PM

A request by the Flathead County Planning Board to amend the text of the Flathead County Zoning Regulations. The proposed amendments include a complete re-write of Section 3.34 SC Scenic Corridor and Section 3.45 PUD Planned Unit Development. The request also includes the addition of a definition of off-premise signs and the deletion of the definitions of apartment house, building area or footprint, mean ground level, rooming house, and solid planting

STAFF REPORT 8:50 PM

Mark Mussman reviewed staff report FZTA-20-01 for the board.

BOARD QUESTIONS 8:58 PM

Adams had a question on signage. He asked for clarification as to what would be allowed depending on the amount of frontage one had. Mussman read the definition of billboard and they discussed what would be regulated. Adams was concerned where billboards were already present with less than 250' of frontage. Mussman said there were some off-premise signs in the corridor that were considered legal non-conforming. As long as they continued to meet requirements, the signage could remain. If there was a legal non-conforming sign that was destroyed by natural causes, it could be replaced however if it is willfully removed, then it would need to come within the regulations.

Nogal questioned PUD, open space, and wondered how it was determined. Mussman said there was no formula to determine how much was needed, it was site-specific, but typically most of the subdivisions had some type of topographical challenges that become prime options for the open space.

AGENCY COMMENTS 9:04 PM

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

PUBLIC COMMENT 9:04 PM

None

MAIN MOTION

Sirucek made a motion, seconded by NOGAL, to adopt staff report

TO ADOPT F.O.F. (FZTA-20-01)
9:04 PM FZTA-20-01 as findings of fact.

BOARD DISCUSSION
9:04 PM None

ROLL CALL TO ADOPT F.O.F. (FZTA-20-01)
9:04 PM Motion was passed unanimously on a roll call vote.

MAIN MOTION TO RECOMMEND APPROVAL (FZTA-20-01)
9:04 PM Sirucek made a motion, seconded by Nogal, to recommend approval of FZTA-20-01 to the Board of County Commissioners.

BOARD DISCUSSION
9:05 PM None

ROLL CALL TO RECOMMEND APPROVAL (FZTA-20-01)
9:05 PM The motion passed unanimously on a roll call vote

OLD BUSINESS
9:06 PM Mussman recapped the Trails Plan [Addendum] that they had heard last month and reviewed the process that they must go through to any change in the growth policy. They needed to sign a resolution that would be forwarded to the County Commissioners. The Growth Policy required 5 Findings to be made for any type of adoption or amendments thereto. He briefed them on the findings and resolution prepared for them to sign.

Larsen addressed a comment, made this evening, that the map was inconsistent now. He wondered how that could be addressed. He understood that wasn't a part of the public hearing but he wondered if this would override the map. Mussman said the comment brought up some good points; if this was going to be an addendum to the Growth Policy or an addendum to the 2010 Trails Plan, (which is an element of the Growth Policy) he said it would be up to the Commissioners as to which map they wanted to attach to this addendum. They discussed the concern in detail. They also discussed the need for a future trails plan map so that they can require future subdivisions have a bike and pedestrian easement. He felt that they could leave the decision as to which

map to use up to the Commissioners. They agreed it was best to leave it up to them.

Mussman also addressed the 30 day comment period concern. He read the protocol for changing the Growth Policy. A part of the process includes the Commissioners being required to adopt a resolution of intent and notice of passage, which would be published twice (2 consecutive weeks in the newspaper) and would outline a 30 day comment period. At the end of the comment period, the Commissioners could adopt or amend a final resolution.

He read the resolution and had the board members sign.

**MOTION TO
ADOPT
RESOLUTION**
9:18 PM

Nogal motioned, seconded by Sirucek, to adopt the resolution.

**BOARD
DISCUSSION**
9:18 PM

None

**ROLL CALL TO
ADOPT
RESOLUTION**
9:18 PM

Motion passed unanimously on a roll call vote.

NEW BUSINESS
9:20 PM

Sirucek notified the board that he has had a change in status and decided not to run for another 4-year term on the Conservation District. He made a request to the board that he be an associate supervisor so that he could remain on this board until the agricultural zoning language had been taken care of.

Mussman made the board aware that he had met with some people who were involved in the agricultural industry to further discuss the viability of agriculture in Flathead County. He discussed having a subcommittee that was County sanctioned to be formed to assist with further discussion of the agricultural zoning.

ADJOURNMENT
9:27 PM

The meeting was adjourned on a motion by Nogal and Adams at approximately 9:27 p.m. The next meeting will be held April 8, 2020.


Jeff Larsen, Chairman


Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 3 / 11 /20